

**MINUTES OF A REGULAR
MEETING OF THE
MAYOR AND COUNCIL**

CALL TO ORDER

Mayor Henry called the August 17, 2017 regular meeting of the Mayor and Council to order at 8:03PM in the Garabrant Center, 4 Wilson Street, Mendham, New Jersey.

INVOCATION AND FLAG SALUTE

Mayor Henry led a moment of silent meditation followed by the Pledge of Allegiance.

OPENING STATEMENT

Notice of this meeting of the Mayor and Council of the Borough of Mendham was published in the *Observer-Tribune* and the *Daily Record* and was posted on the Phoenix House bulletin board in accordance with the Open Public Meetings Act.

ATTENDANCE

Present: Mayor Neil Henry
Councilman John Andrews
Councilman John Andrus
Councilman Brad Badal
Councilwoman Christine Serrano Glassner
Council President Stanley Witczak

Excused: Councilman David Sharkey

Also present: Fred Semrau, Borough Attorney
Richard Merkt, Borough Administrator
Margot Kaye, Borough Clerk

CONSENT AGENDA

Minutes of the regular meeting of 7/20/17
Labor Day Parade Road Closure (9/4/17)
Block Party Road Closure – Forest Drive (9/3/17)
Block Party Road Closure – Garabrant Street (9/9/17, rain date 9/10/17)
‘Turn the Towns Teal’ Ribbons (no signage permitted) 9/1/17 – 9/30/17
Raffle Approvals: PG Chambers School – On-Premise Merchandise Draw (9/18/17)
Blue Light Permits (11) – Mendham First Aid Squad

Motion to approve Consent Agenda

First: Councilman Witczak

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Glassner, Witczak

Opposed: None

Abstain: Andrews (light permits only – MFAS Officer), Andrus (minutes only – absence)

Absent: Sharkey

DISCUSSION

Morris County 2017 Budget: Freeholder Christine Myers, Administrator John Bonanni

Freeholder Myers and Administrator Bonanni presented the Morris County budget highlights. They stated an increase in rates and explained the areas of increased costs. Capital infrastructure projects were described along with the various critical services offered by the county. Freeholder Myers discussed the county’s strategic plan and announced Morris County’s AAA bond rating (one of only six counties to receive it).

Freeholder Myers also noted that a partnership with Morris County Health Services is possible once the Borough’s current contract has expired. Mayor Henry directed Mr. Merkt to explore the options.

Mountain Valley Park Dam Bid Award: Paul Ferriero, Borough Engineer

The Borough Engineer, Paul Ferriero, presented the proposals for both the base bid (dam rehabilitation) and the alternate bid (dam rehabilitation and dredging) and restated his and Mr.

Semrau's recommendation that the bid(s) be awarded to Grade Construction. Mr. Ferriero reviewed the DEP-mandated project timeline and confirmed that if the scope increases as the project progresses, the associated costs may increase as well. He also recommended that the Council award both the base and alternate bids in order to address concerns regarding the sediment. Mr. Ferriero estimated that it has been approximately 15 years since the pond was dredged and that the current costs associated with same will never be lower. He pointed out that the pond must be lowered for the dam rehabilitation thus making the dredging less onerous.

Discussion followed regarding funding for the project. Councilman Andrus opined that Open Space money is not intended for this type of use and suggested that alternate funding be identified. He recommended borrowing the necessary funds but rather than floating notes, the Borough can take back the notes and pay interest to itself. He added that the Borough's strong financial position makes this option feasible for at least some of the project costs. Mr. Semrau added that CFO certification of availability of Open Space funds does not negate the possibility of a future policy decision to utilize funding from another source.

Final consensus was that the base and alternate bids be awarded to Grade Construction.

Mr. Ferriero noted that the DOT Local Aid application is due October 2, 2017

Open Space Advisory Committee Request – Tranquility Garden Improvements

Mr. Merkt stated that a local student applied for an ANJEC grant in order to beautify Tranquility Garden but did not receive the award. The Open Space Advisory Committee is seeking Council approval to put Open Space funding toward the student's project. After a brief discussion, Councilman Andrus made a motion to approve \$1,500.00 of Open Space funds for Tranquility Garden improvements. It was seconded by Councilman Andrews and carried by a unanimous voice vote. Mr. Semrau agreed to draft a resolution memorializing same.

DPW Chief Mechanic Position

Councilman Badal explained the confusion surrounding Mr. Hafemeister's promotion to DPW Assistant Superintendent and the subsequent hiring of a new Chief Mechanic. It was not clear whether (1) Mr. Hafemeister will perform the duties of both positions until another employee left the department at which time a new mechanic will be appointed; or (2) a new Chief Mechanic will be appointed immediately with the next vacancy remaining unfilled in order to keep the headcount consistent. Councilman Badal explained that the issue has been resolved as a member of the DPW staff just tendered his resignation.

Res. #155-17 Chief Mechanic Appointment: Kyle Hanson

Motion to approve: Councilman Badal

Second: Councilwoman Glassner

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Glassner, Witczak

Opposed: None

Abstain: None

Absent: Sharkey

ORDINANCE ADOPTION:

ORDINANCE #07-17

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, MERGING THE SHADE TREE ADVISORY COMMITTEE WITH THE ENVIRONMENTAL COMMISSION

BE IT RESOLVED, by the Borough Council and Borough of Mendham that:

ORDINANCE #07-17

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, MERGING THE SHADE TREE ADVISORY COMMITTEE WITH THE ENVIRONMENTAL COMMISSION

Was published in full in the Observer Tribune.

Mayor Henry opened the public hearing. Hearing no comments, Mayor Henry closed the public portion of the hearing.

BE IT RESOLVED, by the Borough Council and Borough of Mendham that:

ORDINANCE #07-17

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, MERGING THE SHADE TREE ADVISORY COMMITTEE WITH THE ENVIRONMENTAL COMMISSION

Be passed and adopted on this final reading by title, and that the Clerk be authorized and directed to advertise final passage and adoption of said ordinance in the Observer Tribune according to law.

Motion to adopt Ordinance #07-17 was made by Councilman Andrus

Second: Councilwoman Glassner

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Glassner, Witczak

Opposed: None

Abstain: None

Absent: Sharkey

Ordinance #07-17 was adopted.

ACTIONS TAKEN

Res. #143-17 Sanitary Sewer - 25 East Main Street, Block 1501, Lot 11

Motion to approve:

Second:

Discussion: Mr. Semrau requested that the resolution be tabled pending receipt of additional information from the applicant.

Roll Call – the vote was as follows:

In favor:

Opposed:

Abstain:

Absent:

Res. #144-17 Special Item of Revenue – Clean Communities Grant

Motion to approve: Councilman Andrews

Second: Councilman Andrus

Discussion: Ms. Kaye confirmed that the amount of the special item of revenue represents the difference between the amount budgeted and the actual amount received.

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Glassner, Witczak

Opposed: None

Abstain: None

Absent: Sharkey

Res. #145-17 Third Quarter Tax Payment – Grace Period Extension

Motion to approve: Councilman Witczak

Second: Councilman Andrus

Discussion: Mr. Semrau indicated that most municipalities mailed 3rd quarter tax bills later than usual due to a delayed tax rate from the county, thus necessitating a grace period extension.

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Glassner, Witczak

Opposed: None

Abstain: None

Absent: Sharkey

Res. #146-17 DPW Truck Purchase

Motion to approve: Councilman Badal

Second: Councilman Andrews

Discussion: Peter Hafemeister, DPW Assistant Superintendent, stated that the smaller truck purchase is necessary at this time despite the potential need for a larger truck next year.

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Glassner, Witczak

Opposed: None

Abstain: None

Absent: Sharkey

Res. #147-17 Verizon Wireless Node Placement

Motion to approve: Councilman Andrews

Second: Councilwoman Glassner

Discussion: Mr. Merkt stated that several Council Members have visited the sites with Verizon representatives who have been very responsive to Council recommendations. Mr. Semrau added that the Telecommunications Act gives Verizon a great deal of discretion regarding the use of rights of way, however, they have been very accommodating and are working well with Borough officials.

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Glassner, Witczak
Opposed: None
Abstain: None
Absent: Sharkey

Res. #148-17 Sanitary Sewer - 5 East Main Street, Block 1501, Lot 3

Motion to approve: Councilman Badal

Second: Councilwoman Glassner

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Glassner, Witczak
Opposed: None
Abstain: None
Absent: Sharkey

Res. #149-17 Tax Overpayment Refund - 180 Thomas Road, Block 2201, Lot 4.01

Motion to approve: Councilman Andrus

Second: Councilwoman Glassner

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Glassner, Witczak
Opposed: None
Abstain: None
Absent: Sharkey

Res. #150-17 Morris County JIF Renewal

Motion to approve: Councilwoman Glassner

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Glassner, Witczak
Opposed: None
Abstain: None
Absent: Sharkey

Res. #151-17 Passaic Valley Sewerage Commission Contract Renewal

Motion to approve: Councilman Badal

Second: Councilman Witczak

Discussion: Mr. Semrau stated that the vendor has been serving the Borough for several years and that the WRF Superintendent is in favor of the renewal.

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Glassner, Witczak
Opposed: None
Abstain: None
Absent: Sharkey

Res. #152-17 GEN II Final Payment – Firehouse Roof

Motion to approve: Councilman Badal

Second: Councilwoman Glassner

Discussion: Mr. Ferriero stated that final payment was withheld due to a number of issues that have since been settled. Mr. Semrau reiterated that the roof work was completed 2+ years ago thus the need for a maintenance bond has passed. Final payment can be made as directed by the IRS.

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Glassner, Witczak
Opposed: None
Abstain: None
Absent: Sharkey

Res. #153-17 Contract Award: Grade Construction – Mountain Valley Park Pond

Motion to approve: Councilman Badal

Second: Councilwoman Glassner

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Glassner, Witczak
Opposed: None
Abstain: None
Absent: Sharkey

ADMINISTRATOR REPORT

The Administrator's report was distributed previously.

Mr. Merkt highlighted the Borough's Best Practices score of 96% representing an increase from 92% in 2016. He attributed the improvement to the 2017 budget filed earlier than in previous years and explained that 100% is largely unattainable as complete segregation of responsibilities is not cost-effective in a municipality of this size.

Mr. Merkt indicated that the DEP is imposing conditions on the Scott Farm Loop Trail such that the existing vegetation cannot be disturbed, i.e., the trail would have to be constructed in full sun closer to the center of the field. There was consensus that the DEP conditions will negate the benefits of the project.

Mr. Merkt stated that initial estimates predict a cost of \$50K to rebuild the Scott Farm barn.

Councilman Andrus requested that Mr. Merkt identify an appraiser to value a buckboard that Mr. and Mrs. Scott donated to the Historical Society. A trailer was offered as well however Mr. Hafemeister questioned its usefulness to the DPW.

Mr. Merkt agreed to arrange a meeting with the DPW Superintendent and the WRF Superintendent to develop a snow removal plan for the upcoming winter months.

COUNCIL REPORTS, OLD & NEW BUSINESS

Councilman Andrews – A joint meeting with the Township was held on August 10th to discuss PD shared services, joint training and public/community relations. A follow up meeting is scheduled for October 3, 2017. There will be heightened security at the Labor Day parade as a precaution against Frelinghuysen protestors. OIC Camoia is working with the DPW Superintendent regarding the sidewalk snow removal protocol. A resolution for the two (2) new police vehicles will be available for the next Council meeting.

Councilman Andrus – YTD expenditures should be included in the bill list backup. The report may be tweaked as we move forward.

Councilman Andrus reviewed the Borough's financial practice of controlled spending by the various department heads. He presented the long-range picture and stressed that the Borough should be paying down debt now and creating reserve funds to cover known future costs.

Councilman Badal – DPW planted a tree in front the Mendham Creamery. Crosswalk striping on Main Street will be completed before school begins next month. The method used to repair tennis courts in Mine Hill will not be effective as the cracks in the Borough courts are too wide.

Councilman Badal noted that the Firehouse Road sign off Main Street is not legal, much like the Police Department sign that was removed. He proposed that the signage at both locations be made legal and that the MBPD "street" be called Police Plaza or something similar. Councilman Badal made a motion to legalize signage at both locations. Councilman Andrus seconded the motion with the caveat that the Council is granted the right to approve the names on the signs. Motion carried by a unanimous voice vote.

Councilwoman Glassner – The Personnel Committee has scheduled a meeting on September 8, 2017 to review Borough staffing. Mayor Henry will provide Boonton's salary data when available.

Councilman Sharkey – excused.

Councilman Witczak – Day camp was a great success and enrollment increased while the school population decreased. One (1) event was postponed due to inclement weather and the drive-in movie was sold out. Labor Day carnival planning continues and the band has been relocated near the Carriage House under a tent.

Mayor Henry proposed a Borough food truck festival for next year. The Recreation Director indicated that the logistics of hosting same are being explored.

ATTORNEY ITEMS

One (1) item for executive session protected under Attorney-Client privilege (Police Chief promotion policy).

MAYOR'S ITEMS

Mayor Henry restated the purpose of subcommittee assignments and urged the Council to get back on track and improve communications. Mr. Merkt agreed to spearhead the effort.

PUBLIC COMMENT

Mayor Henry opened the floor to comments/questions from the public. Hearing none, Mayor Henry closed the public portion of the meeting.

APPROVAL OF VOUCHERS

Bill Lists dated August 17, 2017

Motion to approve: Councilman Andrus

Second: Councilman Badal

Discussion: None

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Glassner, Witczak

Opposed: None

Abstain: None

Absent: Sharkey

EXECUTIVE SESSION

Res. #154-17 Attorney/Client Privilege

Motion to approve: Councilman Badal

Second: Councilwoman Glassner

Discussion: Mayor Henry stated that action may or may not be taken upon return to open session.

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Glassner, Witczak

Opposed: None

Abstain: None

Absent: Sharkey

Mayor and Council entered into executive session at 9:57PM.

Mayor and Council returned to open session at 10:27PM.

ORDINANCE INTRODUCTION:

ORDINANCE #08-17

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 38, POLICE DEPARTMENT, TO AMEND SECTION 38-20 TO DELETE CHIEF OF POLICE FROM PROMOTIONAL POLICY AND TO ESTABLISH NEW SECTION 38-21, CHIEF OF POLICE PROMOTIONAL GUIDELINES

BE IT RESOLVED, by the Borough Council of the Borough of Mendham that:

ORDINANCE #08-17

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 38, POLICE DEPARTMENT, TO AMEND SECTION 38-20 TO DELETE CHIEF OF POLICE FROM PROMOTIONAL POLICY AND TO ESTABLISH NEW SECTION 38-21, CHIEF OF POLICE PROMOTIONAL GUIDELINES

Be passed on first reading by title; and

BE IT FURTHER RESOLVED, that said Ordinance be further considered for final passage and adoption at the meeting of the Borough Council of the Borough of Mendham to be held on September 7, 2017 at 8:00PM prevailing time, in the Garabrant Center, 4 Wilson Street in said Borough, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance; and

BE IT FURTHER RESOLVED, that the Clerk be authorized and directed to advertise said Ordinance in the Observer Tribune, according to law.

Motion to introduce Ordinance #08-17, as amended, was made by Councilman Badal

Second: Councilman Andrus

Discussion: It was agreed that Section 2(4)(a) of the ordinance will be amended to read "The Mayor and/or available Members of the Council will interview each candidate." Mr. Semrau stated that a notice of testing will be published after the ordinance is adopted.

Roll Call – the vote was as follows:

In favor: Andrews, Andrus, Badal, Glassner, Witczak
Opposed: None
Abstain: None
Absent: Sharkey

ADJOURNMENT

There being no further business scheduled for the consideration of the Mayor and Council at this time, on a motion duly made, seconded and unanimously carried by a voice vote, the meeting was adjourned at approximately 10:30PM next to convene at a regular meeting on September 7, 2017 at 8PM at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

Respectfully submitted,

Margot G. Kaye

Margot G. Kaye
Borough Clerk